IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 645 of 2005

Between:

M.Naveen Kumar S/o.M.Kankaiah,
R/o.HNo.27/2, Railway Quarters Jammukunta, Karimnagar, Presently Residing At C/o.Dr.M.Suresh Kumar, 301,

Stone Henge Apartments, Street No.8, Jawharnagar,

R.T.C X Roads, Hyderabad.

... PETITIONER

AND

1 The Station House Officer P.S.Punjagutta.
2 Narsing Rao, S/o.Umapathi Roa,
R/o.6-3-680/8/1, Flat No.203, Divya Residency,

Thakur Hari Prasad Lane No.8, Somajiguda, Hyderabad.
3 Sridhar Rao, S/o.Rama Rao, native of Gopalapur Village,

Karimnagar District, R/o.6-3-680/8/1, Flat No.203, Divya

Residency, Thakur Hari Prasad Lane,
No.8, Somajiguda, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ order or direction more particularly writ of Mandamus directing the 1st Respondent to investigate the case and file appropriate report and pass such other order or orders.

Counsel for the Petitioner:MR.J.K.RANJIT KUMAR

Counsel for the Respondent No.1: GP FOR HOME

The Court at the stage of admission made the following:

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O R D E R:

The petitioner submitted a complaint under Section 200 of Cr.P.C., before the Court of XXIII Metropolitan Magistrate, Hyderabad, under Sections 406, 420, 468 and 506 read with Section 34 IPC, against the respondents 2 and 3. The learned Magistrate referred the matter for investigation to the first respondent, under sub-section (3) of Section 156 Cr.P.C, and it was registered as Crime No.1639/2003. The grievance of the petitioner is that the first respondent has not taken any steps in the matter, much less, arrested the accused therein. He seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and the learned Government Pleader for Home.

Admittedly, the petitioner invoked the jurisdiction of the learned Magistrate under Section 200 Cr.P.C. On the basis of such a complaint, three courses are open to the concerned Magistrate, namely, to take cognizance of the offence straight away, on being satisfied about the probability of commission of the offence, require the police to investigate the matter, or to cause further enquiry into the matter. In the present case, the learned Magistrate has chosen to refer the matter for investigation to the first respondent. If the petitioner is of the view that the investigation is not proceeding in accordance with law, it shall always be open to him to approach the same Court and apprise it of his grievance. The Criminal Procedure Code provides for various steps in this regard.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to approach the Court of XXIII Metropolitan Magistrate, Hyderabad, for further steps in the matter. There shall be no order as to costs.

25th January, 2005

Note: Issue copy in two days.

(B/o)

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To

1 The Station House Officer P.S.Punjagutta.
2 Two C.Cs. to the Government Pleader for Home,

High Court buildings, Hyderabad (OUT)

3 Two C.D.copies. 4. The XXIII Metropolitan Magistrate, Hyderabad.